

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIGUEZ; and DIANA NURSE,

Plaintiffs,

Civil Action No. 05-30080 MAP

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

TRIAL AFFIDAVIT OF JOSE MOLINA

I, Jose Molina, hereby certify as follows:

- 1) I am a Hispanic citizen of the United States and I am registered to vote in Springfield, Massachusetts. I have personal knowledge of the facts stated in this Affidavit.
- 2) I was born in Ponce, Puerto Rico. I have been a resident of Springfield for approximately three years. I live in the North End, a predominantly Hispanic neighborhood. My address is 70 Harrison Avenue, Apt. 1806. Before moving to my current address, I lived on Leete Street in Springfield. I vote at the Elderly Center near City Hall.
- 3) I am fluent in Spanish and can speak English. I am a veteran of the U.S. Army.
- 4) I am active in several civic organizations including the Vietnam Veterans of America (VVA), Massachusetts. I also volunteer at Hogar Crea, assisting addicts with drug and alcohol rehabilitation. I am also active in my church, La Iglesia de Dios Pentecostal. I am knowledgeable about issues that affect Springfield's Hispanic community.

5) I have worked as a poll worker in Springfield since 2004. I received training on voting issues before each of the elections. The training was conducted by an employee of the Election Commission for a group of poll workers at the New North Citizens Council. The training was conducted almost entirely in English, with just a bit of Spanish. The group included poll workers who spoke only English, as well as bilingual Spanish-speaking poll workers.

6) The training I attended before the 2006 election was attended by a lawyer for the city who said that the Department of Justice lawsuit against the city regarding the elections had been unnecessary because they were doing a good job of running the elections. That training was conducted in English only. The people running the training said that bilingual poll workers should speak both English and Spanish.

7) As a poll worker, I work at the polling place at the Hobby Club, Precinct F1, and was recommended to this position by Gumersindo Gomez.

8) Before the 2006 election, I had never seen Spanish translations of election materials at voting locations.

9) I believe that most Hispanic voters are not well-informed about the candidates when they go to vote because there is a lack of available Spanish-language information about the candidates. Candidates do not visit the Hispanic neighborhoods unless they are involved in the Hispanic community. They also do not spend much money campaigning in the Spanish-language media. As a poll worker, I have seen Hispanic voters inquiring about the best candidates when they arrive at the polls. Some Hispanic voters feel as though they live on the moon because of their lack of access to information.

10) Though Springfield has many Hispanic and African-American communities, minority candidates do not win elections because the at-large system prevents them from

winning. The candidates with the most money are able to campaign the most and can place the most ads in the big Anglo newspapers. The Hispanic candidates cannot compete because the Hispanic communities are very poor and cannot donate a lot of money. If the system was a ward representation system, the Hispanic and Black candidates could win by campaigning in their own communities. With the at-large system, the candidates with the most money have an advantage. It is my impression that Anglo voters have a hard time voting for minority candidates because they like to look out for their own interests. A Hispanic voter has to rely on winning Hispanic votes alone. Because Anglo people will not vote for Hispanic candidates, the result is that the same Anglo politicians stay in control for many years.

11) City services are poor in areas where the residents are predominantly Hispanic. For example, the roads in the Hispanic area on Main Street, from Carew Street to the area around Baystate Hospital, are in very bad shape. There is also a lot of trash on the ground in the Hispanic area. Trash collection and pot-hole repair services are practically non-existent there, while the city plants flowers in the downtown section of Springfield. Furthermore, there are many abandoned houses in the Hispanic neighborhoods and City Hall does nothing to help renovate these buildings. My impression, and the impression of many other Hispanics, is that the police only go to the Hispanic neighborhoods to make arrests, never to do anything nice for the community. As a result, people turn to their churches for support instead. The City Council will only pay attention to the concerns of the Hispanic community if many people organize and go to City Hall to complain. Even then, our concerns are not addressed.

12) I have been mistreated by non-bilingual poll workers when attempting to vote. I have asked for a new ballot and have been treated rudely and made to feel inferior by poll

workers who did not even attempt to understand me because of my accent or incorrect use of the English language.

13) I have seen African-American and Asian members of the community being similarly mistreated at voting locations. I have seen poll workers try to rush elderly members of these communities when they are attempting to vote. Sometimes, voters make incorrect marks on the ballots and need new ballots, especially since voting booths have very little light and older voters cannot see well. Poll workers give these persons a hard time when they request new ballots. In the 2006 elections, there was a new voting booth for people with sensory difficulties but very few people knew how to use it and used it with much difficulty.

14) During the 2004 elections, a white male police officer worked at the Hobby Club. When the machines malfunctioned, the police officer fixed them. He also made all of the decisions. If the poll workers did not see someone on the list, they would consult the police officer; or the policeman would interfere when poll workers would consult the clerk in charge. This police officer ran the polling place even though the training I received indicated that he was there only to keep the peace and ensure that there were no problems at the location. I informed Mr. Gomez who indicated that he would let the Election Commission know. The next year, the same thing took place. The clerk in charge, a female polling official, allowed the police officer to check voter registration lists and did not correct him when he did not follow the rules we were taught.

15) In 2005, this officer made many comments that made the Hispanic poll workers feel like we were less intelligent. He said that we were in America so we should speak English. We were powerless against him because he was a police officer.

16) During the November 2005 election, I saw approximately 10 Hispanic voters, most of whom did not speak English well, turned away because their names did not appear on the voter registration list. I told the police officer that we had provisional ballots to give to these voters. The police officer, who had control over all the materials, including the provisional ballots, said that it was too much work to hand out the provisional ballots and refused to provide them to the voters. The police officer told these voters that their names were not on the voter list and, therefore, they could not vote at the location.

17) Compared to the way the Spanish-speaking voters were being treated, I saw voters who looked Anglo and who spoke English perfectly being treated by the police officer and the chief clerk much more politely. The police officer and the chief clerk were joking with each other, saying "we are in America and you should speak English." They were seated right next to me and the other Spanish-speaking poll workers, and we could easily hear these jokes and comments. Hearing this made me feel bad.

18) Discrimination is a problem in the city of Springfield. I have had very negative experiences calling 911. Spanish speaking operators are not available and the English speaking operators did not attempt to understand me. On one occasion, my neighbor punched, kicked and broke my door after I had complained to his wife about noise in the building. My wife and I called 911 because we were afraid of him. The police did not arrive until an hour later because the operator did not understand me and said there were no Spanish-speaking operators available to take my call.

19) On another occasion, I called the police when my wife and I heard a fight upstairs, and we suspected domestic violence. On this occasion, a Hispanic police officer arrived but, again, there were no Spanish-speaking 911 operators.

20) I have had comparable experiences with police officers. Non-bilingual officers do not try to understand people with accents or who do not have a large English vocabulary. On one occasion, I went to the Police Precinct on Pearl Street to obtain a phone number at which to call the police in non-emergency situations. The officers gave me a hard time and finally just told me to call 911. It is very unpleasant to try to speak to the police officers when one does not speak English well. They do not listen very well. I feel as though only the Hispanic police officers try to give attention to Hispanic community members.

21) City Hall workers are not as impolite but, other than the bilingual workers, are not very helpful. Very few employees are bilingual, and among the bilingual personnel at City Hall and in all city services, many are English dominant and do not speak Spanish well.

22) I once had to go to City Hall to see the person in charge of Veteran Affairs. The person in charge spoke to me in a very condescending manner, as if I were a child. On another occasion, I went in to pay a parking ticket and, though no one was in line and the clerks knew that I was there, I was left waiting for about 15 minutes to complete a transaction that should have taken 2 minutes.

23) I recently felt discriminated against at the Mercy Hospital. The nurses kept my wife and me waiting for many hours while Anglo patients were helped more quickly. Another Hispanic couple was left waiting as we were. The nurses would not make eye contact and would not listen to my requests for information. This experience is typical of my experiences trying to obtain services in Springfield.

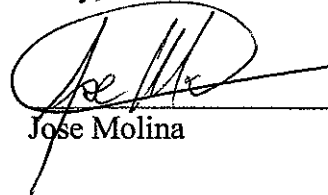
24) The police often racially profile Hispanics and African-Americans, asking them for identification on the street for no reason and treating them very rudely if they ask why they are being stopped or searched. I have seen this happen to homeless people in front of City Hall

and around the neighborhood. There is a perception in the Hispanic community that you will be charged with resisting arrest or assault and battery if you ask questions about why you are being stopped.

25) On one occasion, I saw police officers grab an African-American homeless man who was resting on the street near a gas station, search him against his will, and push him into the police cruiser, leaving all of his belongings behind. Though the man talked back to the officers, he did not attempt to touch them.

26) I have also seen police officers kick an African-American homeless man in front of City Hall.

Signed under penalties of perjury, this 31 day of January, 2007



Jose Molina

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser